



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

R-19J

AUG 17 1992

MEMORANDUM

SUBJECT: Approval of Ohio's NPDES State General Permits Program

FROM: *[Signature]*
Dale S. Bryson
Director, Water DivisionTO: Valdas V. Adamkus
Regional AdministratorBackground

40 CFR 123.62 sets forth procedures necessary to revise the State's NPDES permits program in order for the State to assume the general permits program.

On March 11, 1974, the Administrator of the United States Environmental Protection Agency (U.S. EPA) approved the State of Ohio's request for authority to administer the NPDES program in Ohio. Authority to administer the program is statutorily vested in the Ohio Environmental Protection Agency (Ohio EPA).

In 1989, the State of Ohio enacted Section 6111.035 of the Ohio Revised Code, which provided the Ohio EPA with the authority to issue, administer, and enforce NPDES general permits for appropriate types of point sources in Ohio.

On May 4, 1992, the Ohio EPA submitted a request for authority to administer the general permits program in Ohio. The public will be notified shortly in the Federal Register of the submittal and approval of the State general permits program. Headquarters provided its concurrence on the approval of this program modification on August 6, 1992, (attached). I have concluded that this program modification is not a substantial revision to the State program. Accordingly, under 40 CFR 123.62, we have not published notice of the proposed approval in the Federal Register.

*WCB
8-15-92*

**AMENDMENT
TO THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MEMORANDUM OF AGREEMENT
BETWEEN
THE OHIO ENVIRONMENTAL PROTECTION AGENCY
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 5**

The Memorandum of Agreement between the United States Environmental Protection Agency, Region 5 (hereinafter, EPA) and the Ohio Environmental Protection Agency (hereinafter, Ohio EPA) is hereby amended to include Ohio EPA and EPA responsibilities for the development, issuance, and enforcement of National Pollutant Discharge Elimination System (hereinafter, NPDES) general permits as follows.

The Ohio EPA has the responsibility for developing and issuing NPDES general permits. After identifying discharges appropriately regulated by a general permit, Ohio EPA will collect sufficient information to develop permit conditions and requirements and prepare the draft general permit. General permits will require the same effluent limitations, operating conditions, or standards for sewage sludge use and disposal and the same or similar monitoring.

Each draft general permit will be accompanied by a fact sheet setting forth the principal facts and methodologies considered during permit development and will be transmitted to the following EPA offices:

Water Division Director (5WQ)
U. S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Director, Office of Wastewater Enforcement and Compliance*
U. S. EPA (WH-546)
401 M Street, SW
Washington, DC 20460

EPA will have up to ninety (90) days to review draft general permits and provide comments, recommendations, or objections to the Ohio EPA. In the event EPA does object to a general permit, it will provide, in writing, the reasons for its objection and the actions necessary to eliminate the objection. The state has the right to a public hearing on the objection in accordance with 40 CFR 123.44. Upon receipt of EPA's objection, the state may request a public hearing. If EPA's concerns are not satisfied and the state has not sought a hearing within 90 days of the objection, exclusive authority to issue the general permit passes to EPA.

* General permits for discharges from separate storm sewers need not be sent to EPA Headquarters for review.

All general permits will be public noticed in accordance with Chapter 3745-47 of the Ohio Administrative Code and 40 CFR 124.10, including publication in a daily or weekly newspaper circulated in the area to be covered by the permit. General permits will also be published in the Ohio EPA Weekly Review. The Ohio EPA will issue and administer NPDES permits in accordance with Chapter 3745-38 of the Ohio Administrative Code and 40 CFR 122.28.

The Ohio EPA also has the primary responsibility for conducting compliance monitoring activities and enforcing conditions and requirements of general permits.

All specific state commitments regarding the issuance and enforcement of general permits will be determined through the annual Integrated Work Plan (IWP).

This Amendment to the Memorandum of Agreement will be effective upon approval of the general permit program application by the regional administrator of EPA, Region 5.

FOR OHIO EPA:

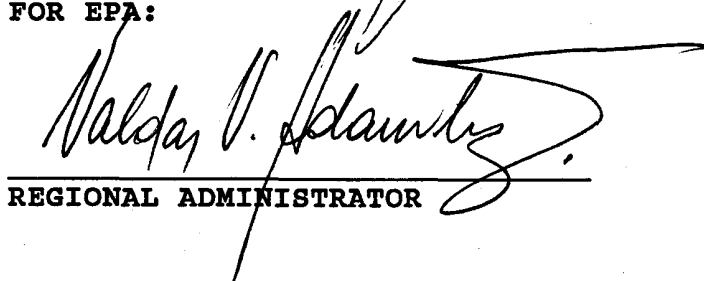


Director

July 2, 1992

Date

FOR EPA:



REGIONAL ADMINISTRATOR

August 17, 1992.

Date